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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,217	11/08/2000	Kaneaki Fujishita	6640/60186	8816

7590

10/27/2003

Jay H Maioli
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,217

Applicant(s)

FUJISHITA, KANEAKI

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The final rejection, mailed in paper no. 12, has been withdrawn.
2. The indicated allowability of claims 4 (now cancelled) and 10 is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 5-6 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by Cellier et al., U. S. Patent No. 5884269.

Regarding **claims 1 and 10**, Cellier et al. (herein, Cellier) discloses a lossless compression/decompression of digital audio data. Cellier's disclosure comprises a processing method for decoding compressed and non-compressed audio data; providing inherent support of zero detection as evident by a frame of audio having zeros (digital mute condition) and further the zero data of the audio data is comprised in a "block length", which implies or constitutes as a time frame (predetermined period of time) of the mute condition the audio data having zeros; and, wherein the digital mute block includes word bits the represents the audio as either compressed or non-compressed audio data; further the uncompressed data does not include zero data (col. 12, lines 45-67 and col. 13, lines 1-6), which represents a determining means; Cellier further discloses a Hoffman decoder for decoding the respective audio data implementing a 1st

and 2nd decoding operation; and Cellier further discloses the decoding method the compressed audio (1st decoding operation), being based a sync signal or pattern of the incoming stream of audio data (col. 5, lines 23-55); further, Cellier disclose the supplied data (audio) of the decoder being stored, and transmitted for later recreation to its original uncompressed state for audio output (figure 1 and col. 5, lines 10-13), which inherently reads on detection of the supplied data being non-compressed, wherein, it is inherent that the there is a determination of whether zero data continues as evident by the fact that zero data makes up the frame of the audio data being processed.

Regarding **claim 5**, Cellier discloses everything claimed as applied above (see claim 1). Cellier further discloses the period of zero detection as a digital mute condition (col. 12, lines 45-53), which provides inherent support of a muting means.

Regarding **claim 6**, Cellier discloses everything claimed as applied above (see claim 1). Cellier further discloses the period of zero detection as a digital mute condition (col. 12, lines 45-53), where such a feature occurs frequently in a stream of audio data, thus it is inherent that the process in repeated.

Response to Arguments

6. Applicant's remarks in respect to the amended changes, particular in respect to cancelled claim 4 and independent claim 1, are directed to the previous indication of allowable subject of the claim 4. However, with further search and further consideration of the Cellier reference of prior art, the Cellier reference provides support of the claimed invention, in respect to latter limitation of "...said supplied audio data are stored for a predetermined period during which it is

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detected whether said zero data continue", and when non-compressed data is determined and output, as claimed in independent claims 1 and 10. Thus, the Cellier rejection has been maintained as set forth above in the Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
October 20, 2003


XU MEI
PRIMARY EXAMINER